

NO.: FBT-CV-15-6048078-S : SUPERIOR COURT  
JONATHAN SHAPIRO : J. D. OF FAIRFIELD  
VS. : AT BRIDGEPORT  
FRANK DELBOUNO, ET AL. : NOVEMBER 15, 2016

**I. SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESS**

The Defendants hereby supplement their July 19, 2016 Disclosure of Expert Witness as to IMR doctor, David B. Brown, as follows:

**2. SUBJECT MATTER ON WHICH THE EXPERT IS EXPECTED TO TESTIFY**

**SUPPLEMENTAL RESPONSE:** Dr. Brown is expected to testify as to his qualifications, the Plaintiff's history, complaints, pains, noted subjective and objective symptomatology, the Plaintiff's history significant for substance/drug abuse and addiction/rehab treatment reflected in the Plaintiff's sworn deposition testimony of March 2, 2016, Plaintiff's examinations, diagnostic testing and results, the diagnoses reached, the causal relationship between the accident and the injuries sustained, the Plaintiff's permanent partial disabilities he sustained or impairment suffered and the causal relationship, the nature and effects of the injury and disability and the causal connection of the incident, the Plaintiff's treatment,

prognosis, including any projected need for future treatment and pain management, the accident-related necessity of treatment and projected future treatment, and the reasonable costs of treatment and/or projected future treatment by all health care providers, past and future.

The subject matter, facts and opinions of Dr. Brown, as well as the grounds for said opinions, are more fully set forth in his initial attached IMR Report of July 14, 2016 (which was previously disclosed to Plaintiff and is hereby incorporated by referenced as if fully set forth herein) and his supplemental report/Medical Letter of November 14, 2016 (which is also herein attached and incorporated by referenced as if fully set forth herein). Dr. Brown is expected to testify based upon his expertise and experience as a doctor as well as his examination and/or review of the Plaintiff's discovery responses, medical treatment records, diagnostic testing and results, and the Plaintiff's sworn deposition testimony/transcript of March 2, 2016 relative to the above captioned matters.

As indicated in the attached supplemental report of November 14, 2016, Dr. Brown's testimony is expected to include, but not be limited to, the following:

1. That Plaintiff had a history of drug abuse in connection with his use of heroin, cocaine, LSD, Ecstasy, and marijuana.

2. That Plaintiff's pertinent drug abuse history has not been disclosed to all of his medical providers.

3. That the Plaintiff had ongoing physical activities involving practicing martial arts, kick boxing and weight lifting.

4. That the Plaintiff's pertinent medical history of drug abuse should have been disclosed to his treating physicians.

5. That the Plaintiff's past history of drug abuse and addiction/rehab treatment are relevant to any accurate and valid assessment of the Plaintiff's accident-related condition and the need for ongoing pain management treatment.

6. That any conclusions as to future pain management requirements would by necessity have to take the Plaintiff's drug abuse history into consideration.

7. That the claimant's past history of drug abuse and the pertinent medical records detailing his drug abuse and necessary hospitalizations for rehabilitation should be reviewed prior to drawing any conclusion as to his future pain management requirements.

8. That the Plaintiff's reliability and veracity is put into question due to his nondisclosure of this pertinent medical history.

9. That the Plaintiff's ongoing activity level participating in martial arts exercise would mitigate his claim of any significant disability to either the neck or back.

10. That the Plaintiff's MRI study of the cervical spine on December 30, 2013 indicates that there is a very small disc herniation at C5-6 and C6-7 without nerve root or cord compression such that these findings do not correlate with significant neck or arm pain.

3. **THE SUBSTANCE OF THE FACTS AND OPINIONS ON WHICH THE EXPERT IS EXPECT TO TESTIFY**

**SUPPLEMENTAL RESPONSE:** See Supplemental response to Section 2 above.

4. **SUMMARY OF THE GROUNDS FOR EACH OPINION**

**SUPPLEMENTAL RESPONSE:** See Supplemental response to Section 2 above.

**THE DEFENDANTS:**

BY: \_\_\_\_\_/s/  
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**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed on this 15<sup>th</sup> day of November, 2016, postage prepaid, to:

Kevin C. Shea, Esq.  
Clendenen & Shea, LLC  
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New Haven, CT 06511

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/s/  
**Lawrence A. Ouellette, Jr.**